

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

OSCAR MADRIGAL SENCION,

Plaintiff,

v.

SAXON MORTGAGE SERVICES INC., et
al.,

Defendants.

Case No.: C 10-03108 PSG

**ORDER THAT CASE BE
REASSIGNED**

(Re: Docket No. 73)

Plaintiff Oscar Sencion (“Sencion”) has moved for a temporary restraining order enjoining Defendant Ocwen Loan Servicing, LLC and Defendant Deutsche Bank National Trust Company (“Deutsche”) from enforcing a writ of possession. Sencion represents that a Notice to Vacate was posted on the property that is the subject of this litigation on April 6, 2011 stating that the property must be vacated by April 12, 2011 at 12:01 a.m.

Deutsche was added as a defendant in this action on March 4, 2011, and Sencion has filed a proof of service indicating Deutsche was served on March 30, 2011. Deutsche has not yet appeared in this action, and Deutsche has neither consented to proceed before a magistrate judge nor requested reassignment to a district judge.

A magistrate judge may hear and determine a motion for injunctive relief only upon

1 consent of the parties.¹ Sencion has moved for injunctive relief against Deutsche, a party that has
2 not consented to magistrate judge jurisdiction. As Sencion requests that a temporary restraining
3 order be issued in advance of the April 12, 2011 deadline to vacate, Deutsche has no reasonable
4 opportunity to consent or to decline. Accordingly,

5 IT IS HEREBY ORDERED that this case be reassigned to a district judge.

6 Dated: April 8, 2011

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8 PAUL S. GREWAL
United States Magistrate Judge

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¹ See 28 U.S.C. § 636(b) (“A judge may designate a magistrate judge to hear and determine
28 any pretrial matter pending before the court, except for a motion for injunctive relief”); 28
U.S.C. § 636(c) (“Upon the consent of the parties, a full-time United States magistrate judge . . . may
conduct any and all proceedings in a jury or nonjury civil matter”).